

COTTONWOOD HEIGHTS

RESOLUTION No. 2012-69

A RESOLUTION INDICATING THE CITY'S INTENT TO ADJUST ITS COMMON BOUNDARY WITH SANDY CITY; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND THE HOLDING OF A PUBLIC HEARING; AND PROVIDING FOR RELATED MATTERS

WHEREAS, the city of Cottonwood Heights (the "City") and Sandy City ("Sandy") share a common boundary; and

WHEREAS, pursuant to the provisions of UTAH CODE ANN. §10-2-419 through -428, two or more municipalities sharing a common boundary may adjust such common boundary; and

WHEREAS, the City's city council (the "City Council") considers it necessary and desirable and for the benefit of the City to adjust its common boundary with Sandy; and

WHEREAS, to effect such adjustment, UTAH CODE ANN. §10-2-419 requires the City Council first to (a) adopt a resolution indicating the City Council's intent to adjust the common boundary, (b) hold a public hearing with respect to the proposed adjustment, and (c) publish prior notice of such public hearing and adjustment as provided by law; and

WHEREAS, the City Council, in satisfaction of such statutory requirements, desires to (a) adopt this resolution (this "Resolution") indicating its intent to adjust the City's common boundary with Sandy, (b) provide for the holding of a public hearing, and (c) direct the publication of an appropriate notice of such public hearing and such intent to adjust the City's common boundary with Sandy;

NOW THEREFORE, BE IT RESOLVED by the City Council of the city of Cottonwood Heights as follows:

Section 1. **Findings and Determinations.** The City Council hereby finds, determines and declares that the adjustment of its common boundary with Sandy as shown and described on attached Exhibit "A" is in the public interest and is in the best interest of the City and its residents.

Section 2. **Declaration of Intent to Adjust a Common Boundary.** The City Council hereby declares its intent to adjust the City's common boundary with Sandy as further shown and described on attached Exhibit "A," subject to compliance with all applicable statutory requirements, including the City Council's subsequent adoption of an ordinance adjusting such common boundary.

Section 3. **Public Hearing.** Pursuant to UTAH CODE ANN. §10-2-419, a public hearing concerning such proposed boundary adjustment shall be held by the City Council on 26 February 2013 (which date is at least 60 days after the adoption of this Resolution) during the regular City Council meeting which begins at 7:00 p.m., at the regular meeting place of the City Council in the Council Chambers at 1265 East Fort Union Boulevard, Suite 300, Cottonwood Heights, Utah.

Section 4. **Publication of Notice of Public Hearing.** The City Recorder shall publish or cause to be published notice of such hearing in *The Salt Lake Tribune* and/or the *Deseret News*, each a newspaper of general circulation available to residents of the City and in which notices relative to the City are customarily published. Such notice shall be published once a week for three successive weeks, with the first publication being within 14 days of the adoption of this Resolution. The City Recorder also shall publish such notice on the Utah Public Notice Website created in UTAH CODE ANN. §63F-1-701 for three weeks prior to the hearing. The notice of public hearing shall be in substantially the form attached hereto as Exhibit "B."

Section 5. **City Recorder to Perform Certain Acts.** The City Recorder is hereby directed to maintain a certified copy of this Resolution on file in her office during regular business hours for inspection by owners of private real property affected by the proposed boundary adjustment, and other interested persons.

Section 6. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Resolution, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

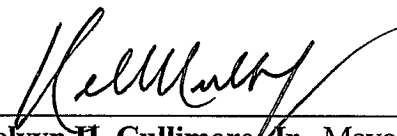
Section 7. **Severability.** It is hereby declared that all parts of this Resolution are severable, and if any section, paragraph, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Resolution.

Section 8. **Repealer.** All resolutions or parts thereof in conflict with this Resolution are, to the extent of such conflict, hereby repealed.


Section 9. **Effective Date.** This Resolution, assigned no. 2012-69, shall take effect immediately upon passage.

PASSED AND APPROVED this 18th day of December 2012.

COTTONWOOD HEIGHTS CITY COUNCIL

By 
Kelvyn H. Cullimore, Jr., Mayor




Linda W. Dunlavy, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

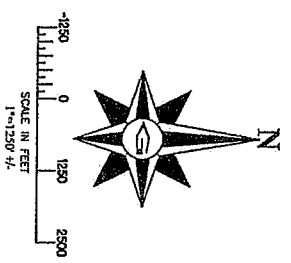
DEPOSITED in the office of the City Recorder this 18th day of December 2012.

RECORDED this 19 day of December 2012.

589594.1

EXHIBIT A

The common boundary between the Sandy City, Salt Lake County, Utah, and Cottonwood Heights City, Salt Lake County, Utah, will be adjusted through the transfers from Cottonwood Heights to Sandy, or from Sandy to Cottonwood Heights, as applicable, of such parcels of real property as may be necessary to result in a common boundary between the two cities as described on the attached plat.



SALT LAKE COUNTY
SURVEYORS APPROVAL _____ DATE _____
REID J. DEMMAN

COTTONWOOD
HEIGHTS CITY APPROVAL _____ DATE _____
MAYOR KELVYN H. CULMORE JR.

[illegible]

CHARGES ADOPTED BY THE COTTAGEWOOD
HOODS PAY COUNCIL PER ORDINANCE
ON 2012.

NOTES:

1. BROADWAY ADJUSTED ALONG CREEK ROAD.
2. BROADWAY ADJUSTED ON WALSHICH BLVD.
4 WALL ROCK DRIVE IN 2008.

SALT LAKE COUNTY RECORDER

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE
REQUEST OF _____

FEES

SALT LAKE COUNTY RECORDER

CREEK ROAD

PREV.

10F 2

SALT LAKE COUNTY, UTAH
SECTIONS 20-29 + 33-36, T2S, R1E, SLB+M
SECTIONS 1 + 2, T3S, R1E, SLB+M

[illegible]

SALT LAKE COUNTY RECORDER
 STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE
 RECORDS OF: _____
 DATE _____ TIME _____ BOOK _____ PAGE _____
 # _____
 REASON _____ SALT LAKE COUNTY RECORDER

CREEK ROAD
REV.
1 OF 2

205

EXHIBIT B

COTTONWOOD HEIGHTS, UTAH

NOTICE OF PUBLIC HEARING AND INTENT TO ADJUST COMMON BOUNDARY

PUBLIC NOTICE IS HEREBY GIVEN that on 18 December 2012, the city council (the "*City Council*") of the city of Cottonwood Heights, Salt Lake County, Utah (the "*City*") adopted a resolution (the "*Resolution*") indicating the City Council's intent to adjust the City's common boundary with the Sandy City ("*Sandy*") and calling a public hearing to receive input from the public with respect to such adjustment, all pursuant to UTAH CODE ANN. §10-2-419.

ADJUSTMENT OF COMMON BOUNDARY

The City Council has proposed to adjust the City's common boundary with Sandy by transferring to Sandy, or receiving from Sandy (as applicable), such parcels of real property as may be necessary to result in a common boundary between the two cities as shown and described on the plat that is attached to the Resolution, a copy of which is on file with the City Recorder.

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The City will hold a public hearing (the "*Public Hearing*") during its regular City Council meeting, which begins at 7:00 p.m. on 26 February 2013. The Public Hearing will be held at the regular meeting place of the City Council in the Council Chambers at 1265 East Fort Union Boulevard, Suite 300, in Cottonwood Heights, Utah. The purpose of the Public Hearing is to receive input from the public with respect to the proposed boundary adjustment. All members of the public are invited to attend and participate in the Public Hearing. Written comments may be submitted to the City Council, to the attention of the City Recorder, prior to the Public Hearing.

EFFECT ON LOCAL DISTRICTS PROVIDING FIRE PROTECTION, PARAMEDIC, AND EMERGENCY SERVICES

No local district providing fire protection, paramedic and emergency services will be affected by the proposed boundary adjustment.

NOTICE OF RIGHT TO FILE PROTESTS TO PREVENT THE ADJUSTMENT OF THE COMMON BOUNDARY

NOTICE IS FURTHER GIVEN THAT, pursuant to UTAH CODE ANN. 10-2-419, the City Council will adopt an ordinance adjusting its common boundary with Sandy unless, at or before the Public Hearing, written protest to the adjustment have been filed with the City Recorder of the City by the owners of private real property that: (a) is located within the area proposed for adjustment; (b) covers at least 25% of the total private land area within the area proposed for adjustment; and (c) is equal in value to at least 15% of the value of all private real property within the area proposed for adjustment.

COTTONWOOD HEIGHTS, UTAH

By: Linda W. Dunlavy, City Recorder

DATES OF PUBLICATION: (Publish once a week for three [3] successive weeks)

28 December 2012

4 January 2013

11 January 2013